

PTO/SB/17i (11-04)

Approved for use through 07/31/2007. OMB 0651-0031
 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PROCESSING FEE Under 37 CFR 1.17(i) TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/647,268
Filing Date	August 20, 2003
First Named Inventor	Teruko Osumi et al.
Art Unit	1638
Examiner Name	Medina Ahmed Ibrahim
Attorney Docket Number	0155.02

Enclosed is a paper filed under 37 CFR 1.48 that requires a processing fee (37 CFR 1.17(i)).
Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned paper and faxed or mailed to the Office using the appropriate Mail Stop, if applicable. For transmittal of petition fees under 37 CFR 1.17(f), (g) or (h), see form PTO/SB/17p.

Payment of Fees (small entity amounts are NOT available for the petition fees)

The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 50-2135:

processing fee under 37 CFR 1.17(i) any deficiency of fees and credit of any overpayments
 Enclose a duplicative copy of this form for fee processing.

Check in the amount of \$ _____ is enclosed.

Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.

**Processing Fees under 37 CFR 1.17(i): Fee \$130 Fee Code 1808 for all,
 Except for § 1.221 papers (Fee Code 1803)**

For papers filed under:

§ 1.28(c)(3) - for processing a non-itemized fee deficiency based on an error in small entity status.
 § 1.41 - for supplying the name or names of the inventor or inventors after the filing date without an oath or declaration as prescribed by § 1.63, except in provisional applications.
 § 1.48 - for correcting inventorship, except in provisional applications.
 § 1.52(d) - for processing a nonprovisional application filed with a specification in a language other than English.
 § 1.53(b)(3) - to convert a provisional application filed under § 1.53(c) into a nonprovisional application under § 1.53(b).
 § 1.55 - for entry of late priority papers.
 § 1.99(e) - for processing a belated submission under § 1.99.
 § 1.103(b) - for requesting limited suspension of action, continued prosecution application (§ 1.53(d)).
 § 1.103(c) - for requesting limited suspension of action, request for continued examination (§ 1.114).
 § 1.103(d) - for requesting deferred examination of an application.
 § 1.217 - for processing a redacted copy of a paper submitted in the file of an application in which a redacted copy was submitted for the patent application publication.
 § 1.221 - for requesting voluntary publication or republication of an application. **Fee Code 1803**
 § 1.291(c)(5) - for processing a second or subsequent protest by the same real party in interest.
 § 1.497(d) - for filing an oath or declaration pursuant to 35 U.S.C. 371(c)(4) naming an inventive entity different from the inventive entity set forth in the international stage.
 § 3.81 - for a patent to issue to assignee, assignment submitted after payment of the issue fee.

Signature

Curtis P. Ribando

Typed or printed name

December 16, 2005

Date

27,976

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

O I P E
P A T E N T & T R A D E M A R K O F F I C E
D E C 1 6 2 0 0 5
E S S
Express Mail Label No.: EQ 329051090 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Application No. : 10/647,268

Applicant : Teruko Osumi et al.

Title : Solanum Bulbocastanum Late Blight
Resistance Gene and Use Thereof

Filed : August 20, 2003

TC/A.U. : 1638

Examiner : M. A. Ibrahim

Docket No. : 0155.02

Customer No. : 25278

CERTIFICATE OF MAILING BY EXPRESS MAIL

I hereby certify that the following documents are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR § 1.10 on the date indicated below in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Date of Deposit: December 16, 2005

- Fee Transmittal - PTO Form PTO/SB/17 (2 original)
- Amendment to Correct Inventorship (3 pages)
- Supplemental Application Data Sheet (2 pages)
- Executed Declaration - PTO Form PTO/SB/01A (3 page)
- Executed Power of Attorney - PTO Form PTO/SB/81 (2 pages)
- Statement by Inventor - Kent F. McCue (1 page)
- Statement by Inventor - Kenneth L. Deahl (1 page)
- Consent of Assignee to the Addition of Inventors (6 pages)

Depositor's Name: Curtis P. Ribando

Depositor's Signature: *Curtis P. Ribando*

Serial No. 10/647,268
Amendment to Correct Inventorship

PATENT

IPW

Certificate of Mailing by Express Mail

Express Mail No.: EQ 329051090 US
Date: December 16, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Depositor's Name: Curtis P. Ribando

Depositor's Signature:

Appl. No. : 10/647,268 Confirmation No. 2068
Applicant : Teruko Osumi et al.
Filed: August 20, 2003
TC/A.U. : 1638
Examiner : Medina Ahmed Ibrahim

Docket No. : 0155.02
Customer No. : 25278

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

AMENDMENT TO CORRECT INVENTORSHIP

Sir:

Please enter the following amendment which adds inadvertently omitted co-inventors.

Amendment

On the first or title page of the application, following the name of Mary M. MacCree, please add the names of Kent F. McCue and Kenneth L. Deahl.

Remarks

Applicants request that inventorship of the above-identified application be amended to include additional inventors who were inadvertently left off the patent application when filed. The additional inventors are Kent F. McCue and Kenneth L. Deahl.

10647268
12/20/2005 RMEBRAHT 00000063 502135 130.00 DA
01 FC:1464

This oversight was done without any deceptive intent. The error was first brought to the attention of the undersigned after review of the inventorship by Applicant Belknap upon receipt of the Notice of Allowance received by Applicants on November 7, 2005. Accordingly, attached please find a statement from the added inventors, Kent F. McCue and Kenneth L. Deahl, to that effect.

The executed Declaration (Form PTO/SB/01) as required by 37 CFR §1.63 for the added inventors, Kent F. McCue and Kenneth L. Deahl, is attached hereto along with the executed Power of Attorney or Authorization of Agent (Form PTO/SB/81). Also attached is a Supplemental Application Data Sheet which sets forth the required inventor information.

Written consent of the assignee of record, The United States of America, as represented by the Secretary of Agriculture, is attached hereto, as well as the relevant CFR sections, and the Delegated Authority to OTT. Applicant Osumi has not assigned her rights to any other party and it is believed that she has no obligation to do so.

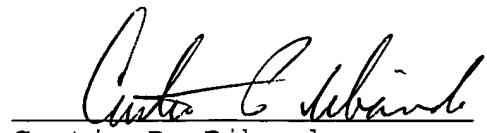
Fee Authorization

The Commissioner is authorized to charge the processing fee of \$130.00 and any other fee associated with this request to Deposit Account No. 50-2135.

Conclusion

If there are any questions, the undersigned agent earnestly requests a telephone conference.

Respectfully Submitted,

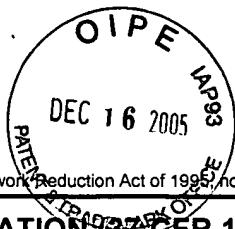


Curtis P. Ribando
Agent of Record
Registration No. 27,976

Telephone:
309-681-6512
Fax: 309-681-6688

Accompanying Enclosures:

Certificate of Mailing
Fee Transmittal - PTO Form PTO/SB/17 (2 original)
Supplemental Application Data Sheet (2 pages)
Executed Declaration - PTO Form PTO/SB/01A (3 pages)
Executed Power of Attorney - PTO Form PTO/SB/81 (2 pages)
Statement by Inventor - Kent F. McCue
Statement by Inventor - Kenneth L. Deahl



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Solanum Bulbocastanum Late Blight Resistance Gene and Use Thereof
--------------------	---

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. 10/647.268 filed on August 20, 2003
 As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)
Inventor one: <u>Teruko Osumi</u>
Signature: <u>Teruko Osumi</u> Citizen of: <u>Japan</u>
Inventor two: <u>William R. Belknap</u>
Signature: <u>W.R. Belknap</u> Citizen of: <u>US</u>
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Page 1 of 3



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Solanum Bulbocastanum Late Blight Resistance Gene and Use Thereof
--------------------	---

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. 10/647.268 filed on August 20, 2003
 As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)	
Inventor three:	David R. Rockhold
Signature:	<i>David R Rockhold</i>
Citizen of:	US
Inventor four:	Mary M. MacCree
Signature:	<i>Mary M. MacCree</i>
Citizen of:	US
<input checked="" type="checkbox"/> Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.	

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Page 2 of 3

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN APPLICATION DATA SHEET (37 CFR 1.76)

Title of Invention	Solanum Bulbocastanum Late Blight Resistance Gene and Use Thereof
--------------------	---

As the below named inventor(s), I/we declare that:

This declaration is directed to:

The attached application, or
 Application No. 10/647.268 filed on August 20, 2003
 As amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

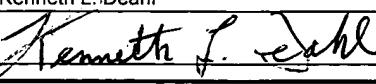
I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

All statements made herein of my/own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)	
Inventor five:	Kent F. McCue
Signature:	
Citizen of: US	
Inventor six:	Kenneth L. Deahl
Signature:	
Citizen of: US	
<input checked="" type="checkbox"/>	Additional inventors or a legal representative are being named on _____ additional form(s) attached hereto.

This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 minute to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Page 3 of 3

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/647,268
Filing Date	August 20, 2003
First Named Inventor	Teruko Osumi et al.
Title	Solanum Bulbocastanum Late Blight..
Art Unit	1638
Examiner Name	Medina Ahmed Ibrahim
Attorney Docket Number	0155.02

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

Practitioners associated with the Customer Number:

25278

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number:

25278

OR

Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

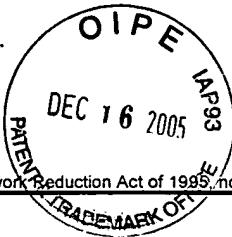
Signature		Date	12/16/05
Name	Kent F. McCue	Telephone	510-559-5796
Title and Company	Research Geneticist - US Department of Agriculture, Agricultural Research Service		

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/81 (04-05)

Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**POWER OF ATTORNEY
and
CORRESPONDENCE ADDRESS
INDICATION FORM**

Application Number	10/647,268
Filing Date	August 20, 2003
First Named Inventor	Teruko Osumi et al.
Title	Solanum Bulbocastanum Late Blight..
Art Unit	1638
Examiner Name	Medina Ahmed Ibrahim
Attorney Docket Number	0155.02

I hereby revoke all previous powers of attorney given in the above-identified application.

I hereby appoint:

Practitioners associated with the Customer Number:

25278

OR

Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

The address associated with the above-mentioned Customer Number:

OR

The address associated with Customer Number:

25278

Firm or Individual Name

Address

City

State

Zip

Country

Telephone

Email

I am the:

Applicant/Inventor.

Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

SIGNATURE of Applicant or Assignee of Record

Signature	<i>Kenneth L. Deahl</i>	Date	12-07-05
-----------	-------------------------	------	----------

Name	Kenneth L. Deahl	Telephone	301-504-5131
------	------------------	-----------	--------------

Title and Company	Research Plant Pathologist - US Department of Agriculture, Agricultural Research Service
-------------------	--

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

*Total of 2 forms are submitted.

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Serial No. 10/647,268
Statement by Inventor
Attached to Amendment to Correct Inventorship

PATENT

Certificate of Mailing by Express Mail



Express Mail No.: EQ 329051090 US

Date: December 16, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Depositor's Name: Curtis P. Ribando

Depositor's Signature:

Appl. No. : 10/647,268 Confirmation No. 2068
Applicant : Teruko Osumi et al.
Filed: August 20, 2003
TC/A.U. : 1638
Examiner : Medina Ahmed Ibrahim

Docket No. : 0155.02

Customer No. : 25278

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATEMENT BY INVENTOR

Kent F. McCue

Sir:

I, Kent F. McCue, do hereby affirm that on my part there was no deceptive intention in the inadvertent omission of my name as an original inventor of the above-identified application. After consultation between co-inventor William Belknap and Agent of Record Curtis Ribando, it was concluded that I had contributed significantly to the invention as presently claimed and was, in fact, a co-inventor.

Date

Kent F. McCue

Serial No. 10/647,268

Statement by Inventor

Attached to Amendment to Correct Inventorship

PATENT



Certificate of Mailing by Express Mail

Express Mail No.: EQ 329051090 US

Date: December 16, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Depositor's Name: Curtis P. Ribando

Depositor's Signature:

Appl. No. : 10/647,268 Confirmation No. 2068

Applicant : Teruko Osumi et al.

Filed: August 20, 2003

TC/A.U. : 1638

Examiner : Medina Ahmed Ibrahim

Docket No. : 0155.02

Customer No. : 25278

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

STATEMENT BY INVENTOR

Kenneth L. Deahl

Sir:

I, Kenneth L. Deahl, do hereby affirm that on my part there was no deceptive intention in the inadvertent omission of my name as an original inventor of the above-identified application. After consultation between co-inventor William Belknap and Agent of Record Curtis Ribando, it was concluded that I had contributed significantly to the invention as presently claimed and was, in fact, a co-inventor.

12-07-05

Date

Kenneth L. Deahl

Serial No. 10/647,268

Consent of Assignee

Attached to Amendment to Correct Inventorship



PATENT

Certificate of Mailing by Express Mail

Express Mail No.: EQ 329051090 US

Date: December 16, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450

Depositor's Name: Curtis P. Ribando

Depositor's Signature:

Appl. No. : 10/647,268 Confirmation No. 2068

Applicant : Teruko Osumi et al.

Filed: August 20, 2003

TC/A.U. : 1638

Examiner : Medina Ahmed Ibrahim

Docket No. : 0155.02

Customer No. : 25278

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

CONSENT OF ASSIGNEE TO THE ADDITION OF INVENTORS

Sir:

The Assignee of record for the above-identified application, The United States of America, as represented by the Secretary of Agriculture, Washington, D.C. 20250, hereby consents to the addition of Kent F. McCue and Kenneth L. Deahl as co-inventors of said application.

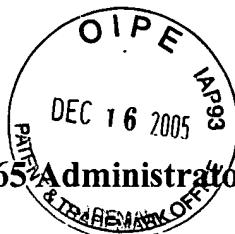
14 Dec. 2005
Date

Richard J. Brenner, Ph.D.
Assistant Administrator
Office of Technology Transfer

Enclosures:

Relevant CFR Sections

Delegation Authority to OTT



37 CFR§2.65 Administrator, Agricultural Research Service.

(a) *Delegations.* Pursuant to §2.21(a)(1), (a)(3) and (a)(5) through (a)(7), subject to reservations in §2.21(b)(1), the following delegations of authority are made by the Under Secretary for Research, Education, and Economics to the Administrator, Agricultural Research Service:

- (1) Coordinate USDA policy relative to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.) and coordinate the Department's Integrated Pest Management Programs and the Pesticide Assessment Program (7 U.S.C. 136–136y).
- (2) Conduct research related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178–178n).
- (3) Conduct research on the control of undesirable species of honeybees in cooperation with specific foreign governments (7 U.S.C. 284).
- (4) Conduct research concerning domestic animals and poultry, their protection and use, the causes of contagious, infectious, and communicable diseases, and the means for the prevention and cure of the same (7 U.S.C. 391).
- (5) Conduct research related to the dairy industry and to the dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).
- (6) Conduct research and demonstrations at Mandan, ND, related to dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of the dairy and livestock industries (7 U.S.C. 421–422).
- (7) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423–424).
- (8) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than statistical and economic research but including research related to family use of resources), distribution, processing, and utilization of plant and animal commodities; problems of human nutrition; development of markets for agricultural commodities; discovery, introduction, and breeding of new crops, plants, animals, both foreign and native; conservation development; and development of efficient use of farm buildings, homes, and farm machinery except as otherwise delegated in §§2.22(a)(1)(ii) and 2.79(a)(2) (7 U.S.C. 427, 1621–1627, 1629, 2201 and 2204).
- (9) Conduct research on varietal improvement of wheat and feed grains to enhance their conservation and environmental qualities (7 U.S.C. 428b).
- (10) [Reserved]

7 CFR 2.106 printed in FULL format.

MICHIE'S CODE OF FEDERAL REGULATIONS
Copyright (c) 1995, The Michie Co.

*** THIS SECTION IS CURRENT THROUGH THE 6/19/95 ISSUE OF ***
*** THE FEDERAL REGISTER ***

TITLE 7 -- AGRICULTURE
SUBTITLE A -- OFFICE OF THE SECRETARY OF AGRICULTURE
PART 2 -- DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND
GENERAL OFFICERS OF THE DEPARTMENT
SUBPART N -- DELEGATIONS OF AUTHORITY BY THE ASSISTANT SECRETARY FOR
SCIENCE
AND EDUCATION

7 CFR 2.106

§ 2.106 Administrator, Agricultural Research Service.

(a) Delegations. Pursuant to § 2.30 (a), (c), and (g), subject to reservations in § 2.30a, the following delegations of authority are made by the Assistant Secretary for Science and Education to the Administrator, Agricultural Research Service:

(1) Coordinate USDA policy relative to the Federal Insecticide, Fungicide, and Rodenticide Act, as amended (7 U.S.C. 136 et seq.) and coordinate the Department's integrated pest management programs and the pesticide assessment program (7 U.S.C. 136-136y).

(2) Conduct research related to the economic feasibility of the manufacture and commercialization of natural rubber from hydrocarbon-containing plants (7 U.S.C. 178-178n).

(3) Conduct research on the control of undesirable species of honeybees in cooperation with specific foreign governments (7 U.S.C. 284).

(4) Conduct research concerning domestic animals and poultry, their protection and use, the causes of contagious, infectious, and communicable diseases, and the means for the prevention and cure of the same (7 U.S.C. 391).

(5) Conduct research related to the dairy industry and to the dissemination of information for the promotion of the dairy industry (7 U.S.C. 402).

(6) Conduct research and demonstrations at Mandan, ND, and Lewisburg, TN, related to dairy livestock breeding, growing, and feeding, and other problems pertaining to the establishment of the dairy and livestock industries (7 U.S.C. 421-422).

(7) Conduct research on new uses for cotton and on cotton ginning and processing (7 U.S.C. 423-424).

(8) Conduct research into the basic problems of agriculture in its broadest aspects, including, but not limited to, production, marketing (other than

Operations, and the General Counsel prior to issuance.

(58) Administer the Department's Patent Program except as delegated to the General Counsel in § 2.31(g).

(59) Provide management support services for the National Agricultural Library as agreed upon by the agencies with authority to take actions required by law or regulation. As used herein, the term management support services includes budget, finance, personnel, procurement, property management, communications, paperwork management, ADP support, and related administrative services.

(60) With respect to land and facilities under the Administrator's authority, exercise the functions delegated to the Secretary by Executive Order No. 12580 (3 CFR, 1987 comp., p. 193) under the following provisions of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 ("the Act"), as amended (42 U.S.C. 9601 et. seq.):

(i) Section 104 (a), (b), and (c)(4) of the Act (42 U.S.C. 9604 (a), (b), and (c) (4)), with respect to removal and other remedial action in the event of the release or threatened release of a hazardous substance, pollutant, or contaminant into the environment.

(ii) Section 104 (e) through (h) of the Act (42 U.S.C. 9604(e)-(h)), with respect to information gathering and access; compliance orders; compliance with Federal health and safety standards; rates for wages and labor standards applicable to covered work; and emergency procurement powers.

(iii) Section 104(i)(11) of the Act (42 U.S.C. 9604(i)(11)), with respect to the reduction of exposure that presents a significant risk to human health.

(iv) Section 104(j) of the Act (42 U.S.C. 9604(j)), with respect to the acquisition of real property and interests in real property required to conduct a remedial action.

(v) Section 105(d) of the Act (42 U.S.C. 9605(d)), with respect to petitions for preliminary assessment of a release or threatened release.

(vi) Section 105(f) of the Act (42 U.S.C. 9605(f)), with respect to consideration of the availability of qualified minority firms in awarding contracts, but excluding that portion of section 105(f) pertaining to the annual report to Congress.

(vii) Section 109 of the Act (42 U.S.C. 9609), with respect to the assessment of civil penalties for violations and the granting of awards to individuals providing information.

(viii) Section 111(f) of the Act (42 U.S.C. 9611(f)), with respect to the designation of officials who may obligate money in the Hazardous Substances Superfund.

(ix) Section 113(k) of the Act (42 U.S.C. 9613(k)), with respect to establishing an administrative record upon which to base the selection of a response action.

7 CFR 2.31 printed in FULL format.

MICHIE'S CODE OF FEDERAL REGULATIONS
Copyright (c) 1995, The Michie Co.

*** THIS SECTION IS CURRENT THROUGH THE 6/19/95 ISSUE OF ***
*** THE FEDERAL REGISTER ***

TITLE 7 -- AGRICULTURE

SUBTITLE A -- OFFICE OF THE SECRETARY OF AGRICULTURE

PART 2 -- DELEGATIONS OF AUTHORITY BY THE SECRETARY OF AGRICULTURE AND
GENERAL OFFICERS OF THE DEPARTMENT

SUBPART D -- DELEGATIONS OF AUTHORITY TO OTHER GENERAL OFFICERS AND
AGENCY
HEADS

7 CFR 2.31

§ 2.31 Delegation of authority to the General Counsel.

The General Counsel, as the chief law officer of the Department, is legal adviser to the Secretary and other officials of the Department and responsible for providing legal services for all the activities of the Department. The delegations of authority by the Secretary of Agriculture to the General Counsel include the following:

(a) Consider, ascertain, adjust, determine, compromise, and settle claims pursuant to the Federal Tort Claims Act, as amended, (28 U.S.C. 2671-2680), and the regulations of the Attorney General contained in 28 CFR part 14.

(b) Determine, settle, and pay claims submitted by employees of the Department under the Military Personnel and Civilian Employees Claims Act of 1964, as amended (31 U.S.C. 3721).

(c) Certify documents as true copies of those on file in the Department.

(d) Sign releases of claims of the United States against private persons for damage to or destruction of property of the department, except those claims cognizable under the Contract Disputes Act of 1978 (41 U.S.C. 601 et seq.).

(e) [Reserved]

(f) Responsible for the overall management and operation of the Law Library, furnishing complete legal and legislative library services to the Office of the General Counsel and the Department.

(g) Make determinations as to whether employees of the Department may retain commercial rights in inventions; prepare patent applications and prosecute the same before the Patent Office.

(h) Represent the Department in formal rulemaking and adjudicatory proceedings held in connection with the administration of the Department's activities, and decide whether initial decisions of the administrative law judges shall be appealed by the Department to the Secretary.

Delegated Authority to OTT

Patent Program and USDA Patent License Program 7CFR, Section 2.65 (a)(58)

Under Secretary, REE

- Edward B. Knipling (Administrator, ARS)
 - Richard J. Brenner (Assistant Administrator, OTT) – Oct. 12, 2004

Plant Variety Protection Applications 37CFR 404

Under Secretary, REE

- Edward B. Knipling (Administrator, ARS)
 - Richard J. Brenner (Assistant Administrator, OTT) – Oct. 12, 2004

Cooperative Research and Development Agreements 15 U.S.C. 3710a

Edward B. Knipling (Administrator, ARS)

- Richard J. Brenner (Assistant Administrator, OTT) – Oct. 12, 2004
 - Martha B. Steinbock (Deputy Assistant Admin., OTT) – Jan. 28, 2005

Power of Attorney for Foreign Prosecution Documents

Secretary of Agriculture

- Richard J. Brenner (Assistant Administrator, OTT) – Oct. 19, 2001
 - Martha Steinbock (Dep. Assist. Admin., OTT) – Jan. 28, 2005
- D. June Blalock (Technology Licensing Coord., OTT) – March 9, 1994
- Margaret A. Connor (Patent Advisor, OTT) – July 22, 2003
- Randall E. Deck (Patent Advisor, OTT) – July 22, 2003
- Joseph A. Lipovsky (Patent Advisor, OTT) – July 22, 2003
- David R. Nicholson (Patent Advisor, OTT) – July 22, 2003
- Gail E. Poulos (Patent Advisor, OTT) – July 22, 2003
- Evelyn M. Rabin (Patent Advisor, OTT) – July 22, 2003
- Curtis P. Ribando (Patent Advisor, OTT) – July 22, 2003
- G. Byron Stover (Patent Advisor, OTT) – July 22, 2003



SUPPLEMENTAL Application Data Sheet

Applicant Information

Applicant Authority Type:: Inventor
Primary Citizenship
Country:: US

Given Name:: Kent F.
Family Name:: McCue
City of Residence:: El Cerrito
State or Province of Residence:: CA
Country of Residence:: US
Street of mailing address:: USDA, ARS, WRRC 800 Buchanan St.
City of mailing address:: Albany
State or Province of
mailing address:: CA

Country of mailing address:: US
Postal or Zip Code of
mailing address:: 94710

Applicant Authority Type:: Inventor

Primary Citizenship
Country:: US

Given Name:: Kenneth L.
Family Name:: Deahl
City of Residence:: Silver Spring
State or Province of Residence:: MD
Country of Residence:: US
Street of mailing address:: 1815 Snowdrop Ln
City of mailing address:: Silver Spring

State or Province of
mailing address:: MD

Country of mailing address:: US

Postal or Zip Code of
mailing address:: 20906